

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LARRY FREUDENBERG, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-8538-RWS

(caption continued on next pages)

**MOTION TO WITHDRAW AS COUNSEL  
AND MEMORANDUM IN SUPPORT**

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WILLIAM BOSTON, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

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Civil Action No. 07-8808-RWS

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ROBERT D. THULMAN, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

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Civil Action No. 07-9651-RWS

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WENDY M. DAVIDSON, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

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Civil Action No. 07-10400-UA

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JOSHUA FERENC, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND ROBERT J.  
SIMMONS,

Defendants.

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Civil Action No. 07-10540-SHS

Pursuant to Local Civil Rule 1.4, Motley Rice LLC and Lieff, Cabraser, Heimann & Bernstein, LLP move this Court for an order allowing them to withdraw as counsel for Skandia Life Insurance Company Ltd. (“Skandia”) for the following reason.

On December 3, 2007, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995 (“PSLRA”), Skandia moved the Court for an order (i) appointing it as Lead Plaintiff in the above-captioned cases, and (ii) approving Motley Rice LLC as Lead Counsel and Lieff, Cabraser, Heimann & Bernstein, LLP as Liaison Counsel. On July 17, 2008 the Court appointed the Kristen-Straxton Group and Ira Newman as Co-Lead Plaintiffs and Brower Piven and Levi & Korsinsky, LLP as Co-Lead Counsel.

For this reason, Motley Rice LLC and Lieff, Cabraser, Heimann & Bernstein, LLP respectfully request that the Court grant their motion and order that they may withdraw from the above-captioned cases. The motion is without prejudice to the rights of Skandia to remain a member of the putative class and to share in any potential recovery obtained. Counsel has submitted a proposed order in Word format to [judgments@nysd.uscourts.gov](mailto:judgments@nysd.uscourts.gov), pursuant to Rule 18.4 of the SDNY Electronic Case Filing Rules & Instructions.

Respectfully submitted this 4th Day of August, 2008.

/s/ Daniel P. Chiplock  
Daniel P. Chiplock (DC – 1137)

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and

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[Proposed] Lead Counsel

and

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Counsel for Skandia Life Insurance Company Ltd.

**CERTIFICATE OF SERVICE**

I, Daniel P. Chiplock, Esq., hereby certify that on August 4, 2008, I electronically filed via the Court's Electronic Case File ("ECF") system the following document: ***Notice of Withdrawal of Counsel***. I hereby certify that these documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing ("NEF") and paper copies will be mailed to those indicated as non registered participants by the next business day:

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Date: August 4, 2008

/s/ Daniel P. Chiplock

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